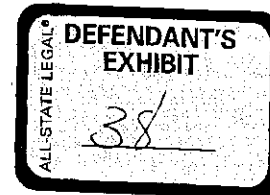


IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

DAVID DAVIS,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO. 3:06-cv-00544-VPM
)	
PHENIX CITY, ALABAMA, <u>et al.</u>)	Judge Vanzetta Penn McPherson
)	
)	
Defendants.)	
_____)	

ATTACHMENT C



WRITTEN WARNING FORM

Employee Name David DavisDate September 22, 2002Date of Hire 4-27-98SS# 256-19-1294Department FireDivision Public Safety

This written warning was issued to the above named employee this date for the following violation(s) of the Merit System Rules and Regulations:

Group I Offense Line # 7 which states:
Mistakes due to carelessness.

DETAILS OF MERIT SYSTEM VIOLATION

Document detailed description of violation including date, time and nature of each occurrence:

At approx. 1920 hrs on September 19, 2002 F/F David Davis was pulling Engine 4 out the engine room bay at Station #3 when the rear passenger door located behind the driver position swung open and struck the bay door tracking sheering off the door handle. The door handle will need to be replaced in order for the door to operate properly from the exterior of vehicle.

Prior Verbal or Written Corrective Actions (give date, reason and action taken)

On September 2, 2002 at approx. 2300 hrs. F/F David Davis was driving Engine 2 from Station #2. Engine crew responded to a medical call at 1200 12th Ave. as David was positioning the apparatus in the parking lot when he struck a concrete pillar that he did not see in the darkness.

Current Corrective Action Taken: Written reprimand with 8 hrs suspension without pay.

Revised by Personnel Review Bd. w/ Consent of Max Wilkes Acting City Manager to REAO: Written reprimand. Next offense within a thirty day period shall result in 8 hrs. suspension without pay for a Group I offense or Instruction and 24 hr. Suspension without pay for a Group II offense, depending on the circumstances of the offense.

Signed: Barbara Goodwin

[Signature]

Employee's comments to written warning: I was never informed that I received a verbal warning for the first accident. I also have never been aware of any policy that states, I must be suspended for having an accident within 30 days of each other. I do regret that I damaged city vehicles, but I believe that the punishment is not just due to no warning of the consequences for an accident. I want to use the panel board to decide the next step.

Additional Comments: Due to this being the second accident involving F/E David Davis it was felt that these actions needed to be done. David is a bright and upcoming employee with the department that puts everything into his duties and responsibilities.

This written warning is intended to give you an opportunity to correct your work performance and conduct in the future. Failure to do so will subject you to further corrective action as stated in the Merit System Rules and Regulations and could result in your dismissal from employment with the City of Phenix City.

9-22-02

Date

Marka Hanson
Supervisor's Signature

I acknowledge this written warning has been discussed with me and understand this notice will become part of my personnel file. I further acknowledge I have been informed of my right to appeal the disciplinary action taken against me to the Appeals Board or the Personnel Review Board. My request must be submitted in writing to the Human Resources Director within three (3) working days for the Appeal Board and within ten (10) working days for the Personnel Review Board.

[Signature]
Employee Signature

09/22/02
Date

Human Resources Director

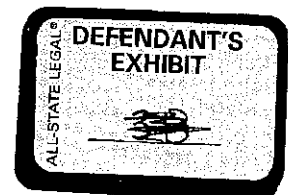
Date

Department Head

Date

Routing: ☐ Personnel File
☐ Human Resources Director

☐ Accounting
☐ Employee





City of **PHENIX CITY** *Alabama*

1119 BROAD STREET
PHENIX CITY, ALABAMA 36867
(334) 448-2706 • FAX (334) 448-2712

H. S. (SONNY) COULTER
MAYOR

J. W. BRANNEN
COUNCIL MEMBER AT LARGE

JOHN STOREY
COUNCIL MEMBER DISTRICT 1

GAIL BRANTLEY
COUNCIL MEMBER DISTRICT 2

ARTHER SUMBRY
COUNCIL MEMBER DISTRICT

H. H. (BUBBA) ROBERTS
CITY MANAGER

ANTHONY HUNT
CITY CLERK

October 2, 2002

David P. Davis
185 Lee Road 236
Phenix City, AL 36867

RE: Personnel Review Board Hearing

Dear Mr. Davis,

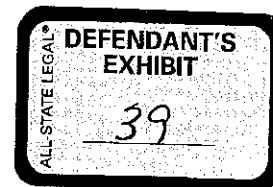
This letter is to inform you of the findings of the Personnel Review Board on the appeal of your suspension. It is the determination of the Board, with the agreement of Max Wilkes, Acting City Manager, that your eight hours suspension without pay be reinstated. The "Written Warning Form" for the offense of September 19, 2002 will be revised to read: "Current Corrective Action Taken: Written reprimand. Next offense within a thirty day period shall result in eight hours suspension without pay for Group I Offense or Instruction and twenty-four (24) hours suspension without pay for a Group II Offense, depending on the circumstances of the offense".

You will receive a copy of the revised Written Warning Form after you have signed it. Should you have any questions please feel free to call Barbara Goodwin, Personnel Director at 448-2751.

Sincerely,

Dan Redmon
Chairman, Personnel Review Board

cc: City Manager
Fire Chief
Personnel File



CITY OF PHENIX CITY
ACCIDENT REVIEW COMMITTEE

Oct. 31, 2002

DATE OF REVIEW: 9-22-02 DATE OF INCIDENT/ACCIDENT: 9-19-02

DEPARTMENT INVOLVED: Fire TIME OF ACCIDENT: 1920 hrs

EMPLOYEE INVOLVED: David Davis SUPERVISOR D/E James Anthony

EQUIPMENT / PROPERTY DAMAGED: Yes ESTIMATED VALUE: _____

OWNER OF PROPERTY: City (☒) OTHER _____

SAFETY COORDINATOR NOTIFIED: _____ BY: _____

DRUG / ALCOHOL TEST GIVEN AT: Yes BY: Russell Co. Sheriff Office

COST TO CITY

1. Lost Work Time (Days and Hours): —

2. Medical Cost: —

3. Property Damage: (City) \$ _____ (Other) \$ —

WAS EMPLOYEE AT FAULT? Yes

DISCIPLINARY ACTION RECOMMENDED BY SUPERVISOR: Written Reprimand with 8 hrs suspension without pay.

DISCIPLINARY ACTION RECOMMENDED BY DEPT. HEAD: Revised to written reprimand By Personnel Review Bd 10/1/02

PREVENTION STRATEGIES: Before moving the apparatus make sure all compartment doors and cab doors have been completely closed and secured. The driver operator will want to double check all doors although they appear to be closed before moving apparatus

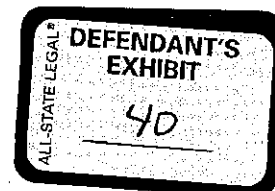
OTHER INFORMATION:

F/F D. Davis was suspended for 8 hrs without pay on 9-22-02.

DEPARTMENT HEAD Larry E. Ratten

SAFETY COORDINATOR Larry E. Ratten

CITY MANAGER John A. ...



Counseling Form

Employee Name David P. Davis Date 8-2-04
Date of Hire 4-27-98 SS# 25691294
Department Fire Division Public Safety

A counseling statement was issued to the above named employee this date for the following reason(s):

This counseling was discussed with D. Davis following an accident that occurred on July 30, 2004 at 1409 Fletcher Drive with Engine 4 following the conclusion of an medical emergency incident on Fletcher Drive.

We discussed a different approach to backing the apparatus when there is only a three person crew. This would entail stopping the apparatus when necessary as it is backing and turning to ensure 360 degrees clearance around apparatus and moving the (B) rear guide to the front of apparatus to ensure proper clearance as the apparatus makes a turn.

Employee's reaction or comments to counseling statement:

Due to inadequate staffing in the Fire Department we attempted to do the best backing procedure possible, according to the S.O.P.'s. After being told I must adapt when working short and adjust backing procedure as past facts is not helpful when attempting to follow current S.O.P.'s. With proper staffing this would not have happen. In conclusion, in the past company officers have not been counseled for O/E accidents. This is not consistent with past procedures. In addition due to lack of promotion I was acting in a pay grade above my regular duties.

Employee Signature [Signature] Date 08/02/2004

Supervisor [Signature] Date 8-2-04

